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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-07-00362 JF
11)
Plaintiff,) DEFENDANT'S SENTENCING
12) MEMORANDUM
vs.)
13)
JOAKELLE PORTER,)
14)
Defendant.)
15 _____)

16 Defendant Joakell Porter submits this sentencing memorandum in order to assist the
17 Court in fashioning an appropriate sentence in this matter.

18 On September 12, 2007, Mr. Joakelle Porter pled guilty to violations of Title 21 U.S.C. §
19 844(a) (Possession of a Controlled Substance) and Title 18 U.S.C. § 922(g)(1) (Felon In
20 Possession of a Firearm). A Plea Agreement provided for a sentence of 5 years, pursuant to Rule
21 11(c)(1)(C) of the Federal Rules of Criminal Procedure. Mr. Joakelle Porter respectfully asks the
22 Court to sentence him in accordance to the plea agreement.

23 **The Court should Take into Consideration that the Adjusted Offense Level under**
24 **the Current Guidelines Would Be Level 23.**

25 The Plea Agreement provided under Rule 11(c)(1)(C), that the sentence imposed should
26 be a term of 5 years, which is the mandatory minimum by statute for Count One of the

1 Information. A five year term is also below the guideline range agreed upon in the plea
2 agreement. However, as of November 1, 2007, the United States Guidelines have been amended.
3 Under the current Guidelines, the offense level for possession of 17.9 grams of cocaine base is
4 level 24. Under this new schedule the adjusted level would be Level 23, which, at Criminal
5 History Level III, results in a sentencing range of 57-71 months. Five years, which continues to
6 be the mandatory minimum, falls within this range. This sentencing range is unaffected by
7 grouping pursuant to U.S.S.G. § 3D1.2.

8 For the foregoing reasons, Joakelle asks the Court to find that the sentence of five years,
9 agreed to under Rule 11(c)(1)(C), is a reasonable sentence.

10 Mr Joakelle Porter asks that the Court recommend that he be housed in a facility that
11 provides drug counseling, and job training opportunities. He also asks the Court to recommend
12 that he be housed in a facility as close as practically possible to his family, who reside in the
13 Northern District of California in Santa Cruz County.

14 Dated: December 4, 2007

15 Respectfully submitted,

16 BARRY J. PORTMAN
17 Federal Public Defender

18 /s/
19 NICHOLAS PETER HUMY
20 Assistant Federal Public Defender
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